

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 3:15-CR-094
)	
JAMES DONOHUE,)	
)	
Defendant.)	

STATEMENT OF FACTS

The parties stipulate that the allegations in Counts One and Two of the Information and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt.

1. On or about March 24, 2013, in the Eastern District of Virginia, and within the jurisdiction of this Court, defendant, JAMES DONOHUE, did knowingly receive any material that contains child pornography that has been transported in and affecting interstate commerce by any means, including by computer, to wit: an email containing a video file titled "Video.MOV", depicting a 13-year-old female masturbating.

2. On or about March 23, 2013, in the Eastern District of Virginia, and within the jurisdiction of this Court, defendant, JAMES DONOHUE, did, using the mail or any facility or means of interstate and foreign commerce, knowingly transfer obscene matter to an individual who has not attained the age of 16 years, to wit: T.G.

3. In approximately January 2013, DONOHUE began engaging in online conversations with T.G., a 13-year-old female. DONOHUE and T.G. communicated primarily through email accounts.

4. During this time, DONOHUE resided in the Eastern District of Virginia. T.G. resided in Colorado.

5. DONOHUE and T.G. engaged in online conversations from approximately January 2013 through on or about March 24, 2013. During this time, they sent pictures of themselves to each other. These pictures included photographs of T.G. without any clothing.

6. On or about March 23, 2013, DONOHUE sent T.G. an email with a video attachment titled "130323-201803.wmv," depicting a video image of DONOHUE masturbating. In the email, DONOHUE stated, "hopefully you can watch them i did it for you to show you what your body does to me<3 cuz your body gets me so horny ;)."

7. On or about March 24, 2013, T.G. sent DONOHUE an email with a file titled "Video.MOV," depicting a video image of T.G. masturbating.

The acts taken by the defendant, JAMES DONOHUE, in furtherance of the offense charged in this case, including the acts described above, were done willfully and knowingly with the specific intent to violate the law.

Respectfully submitted,

Dana J. Boente
United States Attorney

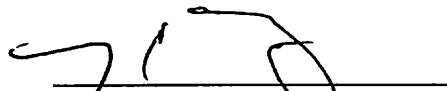
By: Heather L. Hart Date: 8/14/15
Heather L. Hart
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, JAMES DONOUE, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


JAMES DONOHUE

Date: 8-14-15

I am JAMES DONOHUE's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.


Mary E. Maguire, Esquire
Attorney for James Donohue

Date: 8.14.15